

RHNA-Housing Element Dates Relative to RTP Update Schedules of COGs

The following timeline is intended to illustrate the prospective dates for the fifth Regional Housing Need Allocation (RHNA) and housing element (H.E.) update cycle pursuant to the amended process of SB 375/SB 575 integrating the RHNA-HE and RTP updates. These changes have significant implications for the procedural timelines of the RHNA and HE updates most affecting COGs which are MPOs, local governments, and HCD/DOF. This paper is intended to describe the requirements to enable identifying key timeline/sequencing issues; given the complexity, there are additional issues not yet identified here, including those specific to individual COGs, including multi-county COGs in particular.

The timeline of the RHNA and RTP is illustrated based on SANDAG's proposed RTP adoption date, but for the most part, is applicable to all other COGs that are non-attainment MPOs (although SANDAG doesn't exercise the subregional provisions shown). In this example, the dates are also calculated relative to the SANDAG Board meeting dates. Depending on the particular statutory provision, some of the dates indicated could occur earlier than the date indicated (e.g., if there were no appeals of the Draft RHNA plan), while others require that the full statutorily-specified timeline be observed (i.e., 60 day allowance for appeals).

The RTP adoption date is the trigger date affecting all other dates, including the H.E. due date, and in turn, the RHNA process dates, and the H.E. planning period and the RHNA projection period. Three sets of alternative schedules are shown because MPOs generally plan for RTP adoption dates several months in advance of the latest date by which they must do so to meet the federal timetable (column I). Their actual RTP adoption dates are, however, often delayed from the initially scheduled adoption date (column II). And finally, column III illustrates the dates associated with the latest date the RTP could be adopted to meet the federal conformity deadline. These columns illustrate the effect of change in the RTP adoption date on the RHNA process and the H.E. due dates for the region, resulting in a complicated process for integrating the RTP and RHNA-HE schedules.

Some key implications of the statutory requirements and timeline, using the SANDAG example, are:

1. **The due date for the next H.E.s will be established when an MPO notifies HCD and Caltrans of their next "estimated RTP adoption date" for RTP updates occurring after September 30, 2010.** MPOs are required to submit this notification at least one year prior to their estimated RTP adoption date. As of this writing (January 2010), SANDAG's scheduled RTP adoption is July 22, 2011 (cell IC). Thus, they are to submit the notice to HCD/Caltrans by July 21, 2010, unless SANDAG (between now and July 21, 2010) changes the scheduled adoption date to a later date, e.g., to September 23rd (Board doesn't meet in August), which would make that the trigger date, and delay the connected dates accordingly, except as described below.

2. However, **if SANDAG were to change the scheduled RTP adoption date within the one year preceding their scheduled RTP adoption date, the dates for the RHNA process (of Secs. 65584 -65584.05) would not change** from those based on the estimated RTP adoption date submitted to HCD/Caltrans. **The H.E. due date for SANDAG jurisdictions, however, would change**, as Sec. 65588(e)(2)(B)(i)) established the due date no later than 18 months from the RTP adoption date (regardless of the date per the COG's 12-month notice). In the case such a delay occurred, the one year provision for adoption of the Final RHNA plan required by 65584(b) would be calculated relative to the revised H.E. due date.
3. In any case, as shown in column III, assuming SANDAG Board policy actions on the fourth Friday of the month, SANDAG must adopt its RTP not later than October 28, 2011 to allow 30 days for conformity review prior to December 10, 2011 (the date of effectiveness of the conformity finding on its 2007 RTP update). Thus, according to the attached schedule, the H.E. due dates and (pursuant to 65588(f)) the beginning of the planning period of the SANDAG jurisdiction's H.E.s is scheduled to fall on January 21, 2013, but could be March 22, or possibly as late as April 27, 2013. **The actual H.E. deadline, as well as the beginning and end of the H.E. planning period (in turn affecting the RHNA projection period), will not be absolutely established until after the RTP is actually adopted by the MPO.**

However, the statutory provisions establish that the RHNA determination, and in effect the COG's Draft RHNA Plan, must occur prior to the RTP adoption (In SANDAG's case, the RHNA determination by HCD would be January 22, 2011 while the RTP adoption is scheduled for July 22, 2011). **The RHNA and the RTP's Sustainable Communities Strategy (SCS) must be considered relative to each other**, as the MPO's RTP's SCS is required to identify areas within the region to accommodate the RHNA (GC 65080(b)(2)(B)(iii)), and the COG must also adopt a Final RHNA Plan consistent with the development pattern of the SCS (GC 65584.04(i)(1)& (3)). The Final RHNA Plan must include allocations by four income categories for each local government within the region; these income categories in turn affect the location of residential densities within the region and the development pattern that the SCS is to identify. See rows "O" and "P" of the SANDAG example – the dates shown in each row are the outside parameters (each of these dates could be scheduled earlier) for meeting the respective draft RHNA and RTPs individually. In practice, concurrent development of both the Draft RHNA and Draft RTP/SCS may be necessary to enable the SCS provisions to be met and the COG to find the RHNA consistent with the development pattern of the SCS.

Even with concurrent drafts of the RHNA and RTP/SCS, significant adjustment processes of each (e.g., for the COG's Draft RHNA Plan pursuant to the revision, appeals and final adjustment provisions of statute (e.g, see GC 65584.05(g)) could affect the relationship of the SCS development pattern and the RHNA.

4. Potential Schedule Changes re: release of 2010 Census Population

There is only one case in which the statute authorizes HCD to extend the due date for the RHNA determination, and associated RHNA process dates and the H.E. due date. GC 65584(c) authorizes HCD to extend these dates by up to 60 days to “enable access to more recent critical population or housing data from a pending or recent release” by the Census Bureau or DOF. Given that Census 2010 data will be released in the midst of the RTP-RHNA updates, with relevant estimated dates indicated below, it is quite possible that this provision would be exercised.

Projected release dates of population data by CB:

- December 31, 2010: Total statewide population
- April 1, 2011: county level population and housing enumerations

“Prospective” Dates for DOF estimates or Projections adjusted for 2010

Census:

- Interim update of DOF’s 2007 population projections: May 2011
- Full-blown update of DOF’s population projections based on headship rates for age & race (dependent on availability of MARS file from CB): late 2012 at earliest, probably 2013

5. However, the above authorization for date extension for data releases applies only prior to HCD’s regional determination; the statute does not allow for HCD to subsequently revise its RHNA determination once issued. Consequently, the COG and HCD, for the regional determination, given so much uncertainty, would have to consider RHNA projection periods (pursuant to GC 65588(e)(6) and 65588(f)) of varying periods of time, depending on the varying schedules described above. This could be a significant complication requiring additional data and analysis and uncertainty for the regional determination process. While it may be desirable for the COGs/MPO to obtain the regional determination by HCD prior to the statutory due date for it, HCD and DOF lack resources to commit to make determinations for all COGs on a request basis.

The prospect of 2010 Census enumerations differing significantly from those already incorporated in pending growth forecasts for RTPs and RHNA projections, or draft RHNA allocations, is also quite high, as described in HCD’s August 2009 memo regarding current differences in population estimates of the Census Bureau relative to DOF’s estimates as of 2008 (the most recent date for which county level Census Bureau population estimates are available). Although the RHNA period is for only a portion of the RTP planning period, this issue may be relevant to the federal conformity guidelines which provide that RTP assumptions are to be based on the most recent data available and the requirements of State law (65584.01.(b)) which require the RHNA determination to be made relative to DOF population projections.

EXAMPLE of RTP-RHNA-HE Timeline: SANDAG Working Draft

	Statutory Task	Government. Code Section	I With SANDAG's Scheduled RTP Adoption Date [1] (considering 4th Friday Board Mtgs)	II If RTP Adoption Delayed 60 Days (no Aug. Bd. Mtg.)	III Latest Possible RTP Date (w/ 30-day FHA Review, and per SANDAG meeting date)[2]
A	SANDAG adopted 2007 RTP update Nov. 10, 2007				
B	Federal Conformity Approval (date of letter)	12/10/2007			
	Next RTP Adoption Deadline: 4yrs. from prior FHA conformity, allowing 30 day FHA review	(4 yrs less 30 days)	7/22/2011	9/23/2011	10/28/2011
C	US GC Title 23, Ch 1, 134(i)	11/10/2011			
D	MPO Notifies HCD & Caltrans of RTP Adoption Date (at least 12 mos. prior to proposed RTP adoption date)	65588(e)(5)	7/21/2010	7/21/2010	10/27/2010
E	Housing Element Due Date (w/in 18 mos. of RTP date in Row C)	65588(e)(2)	1/21/2013	3/22/2013	4/27/2013
F	<i>Subregional delegation notice (within 28 months of H.E.)</i>	65584.03(a) & (b)	NA	NA	NA
G	HCD-COG Consultation re: Regional RHNA (at least 26 mos. prior to housing element due date, "E")	65584.01(c)(1)	11/23/2010	11/23/2010	2/27/2011
H	COG may request the population & housing forecast assumptions used in RTP (at least 6 mo. Prior to RHNA Determination, "K")	65584.02(a)(2)	7/23/2010	7/23/2010	10/27/2010
I	COG develops proposed methodology for RHNA distribution to local govmts. (at least 2 years prior to H.E. due date)	65584.04(a)	1/22/2011	1/22/2011	4/28/2011
J	COG requests/confirms factor data from local govmts. (No more than 6 mos. prior to devlpmt. of methodology, "I")	65584.04(b)(1)	7/21/2010	7/21/2010	10/25/2010
K [3]	HCD issues RHNA Determination At least 24 months prior to HE Due Date (No subregions)	65584 (b) & (c) 65584.02(a)(1)	1/22/2011	1/22/2011	4/28/2011
L	<i>COG determines subregional RHNAs</i> (at least 25 months before HE Due Date, "E")	65584.03(c)	NA	NA	NA
M	COG issues proposed RHNA methodology (at least 2 years prior to H.E. due date, "E")	65584.04(a)	1/20/2011	1/20/2011	4/26/2011
N	COG adopts RHNA Methodology (at least 60 days after proposed Methodology, "M")	65584.04 (h)	3/22/2011	3/22/2011	6/26/2011
O	COG issues DRAFT RHNA Plan w/ local gov. allocations (at least 1 and 1/2 years prior to H.E. due date "E")	65584.05 (a)	7/22/2011	7/22/2011	10/27/2011
P	COG/MPO releases DRAFT RTP w/SCS accommodating RHNA, "O" (not less than 55 days prior to RTP adoption)	65080(b)(2)(F)(iv)	5/27/2011	5/27/2011	9/2/2011

	CONTINUED	GC Code Section	I	II	III
Q	Local jurisdictions may request revision of Draft RHNA Allocations (w/in 60 days after receiving draft allocation "O")	65584.05 (b)	9/20/2011	9/20/2011	12/26/2011
R	COG accepts, modifies or rejects the local jurisdiction's revision request (within 60 days after request submitted, under "P")	65584.05 (c)	11/19/2011	11/19/2011	2/24/2012
S	Jurisdictions may APPEAL (revised) Draft RHNA (within 60 days after "M")	65584.05 (d) & (e)	1/17/2012	1/17/2012	4/23/2012
T	COG responds TO APPEALS of Draft RHNA and holds hearings (within 60 days of "M").	65584.05 (e)	1/17/2012	3/17/2012	4/23/2012
U[4]	COG issues proposed FINAL RHNA Plan Concurrent with Response (within 45 days of 60 day hearing (Row "P"))	65584.05 (f) & (h)	3/17/2012	3/17/2012	6/22/2012
V [5]	COG adopts Final RHNA (consistent w/SCS development pattern) , either: (a) upon completion of request for revisions if none received, OR		9/23/2011	9/23/2011	12/26/2011
	(b) within 45 days after "Q" AND	65584.05 (h) &	5/1/2012	5/1/2012	8/6/2012
	at least one year prior to H.E. due date (Row 'E')	65584 (b)	1/21/2012	3/21/2012	4/26/2012
W	HCD review/approval of Final RHNA Plan within 60 days of adoption	65584.05 (h)			
	(a) if the date is adopted without review & appeals, OR	(a)	11/22/2011	11/22/2011	2/24/2012
	(b) if the date is adopted after revisions/appeals	(b)	6/30/2012	6/30/2012	10/5/2012

Notes

[1] The MPO's generally schedule RTP adoption several months in advance of the federal due date for the RTP update; the dates indicated here are based on this MPO's current proposed schedule. As of 12 months prior to this date when the MPO must notify HCD and Caltrans of this date, the scheduled adoption date serves as the basis for calculating the housing element due date and the associated dates of the RHNA and RTP processes identified above.

[2] Federal regulation (CFR 23 Sec. 450.322) provides that the effective date of the RTP is the date of the conformity finding by the FHWA, and the FHWA review period for the conformity review is 30 days. The closest SANDAG board meeting date is the 4th Friday prior to this date (12/10/2007) plus 4 years, minus 30 days minimum, and then to prior 4th Friday, yields a RTP adoption deadline of 10/28/2011.

[3] This date could be up to 60 days later if extended by HCD for critical population or housing data from Census Bureau or DOF (65584(c)), in which case the RHNA process and HE due dates would be extended accordingly. HCD's Final Determination could also be up to 75 days later if an objection is filed by the COG pursuant to 65584.01(d), but this would not extend the RHNA process timeline or the HE due date.

[4] COG is to adjust proposed Final Allocation Plan pursuant to GC 65584.05(g); may include proportional readjustment of allocations for all of its jurisdictions.

[5] GC Section 65584(b) requires the COG adopt the Final RHNA at least one year prior to the Housing Element due date. GC 65584.05(h) specifies that a public hearing to adopt the proposed final plan be held within 45 days after the issuance of the proposed final plan.

Government Code Citations for 5th Cycle RHNA & Housing Element Dates by COGs

LINE D: 65588(e)(5)

(e) Each city, county, and city and county shall revise its housing element according to the following schedule:

...

(5) The metropolitan planning organization or a regional transportation planning agency for a region that has an eight-year revision interval pursuant to paragraph (3) shall notify the department and the Department of Transportation in writing of the estimated adoption date for its next regional transportation plan update at least 12 months prior to the estimated adoption date. The Department of Transportation shall maintain and publish on its Internet Web site a current schedule of the estimated regional transportation plan adoption dates. The department shall maintain and publish on its Internet Web site a current schedule of the estimated and actual housing element due dates. Each council of governments shall publish on its Internet Web site the estimated and actual housing element due dates, as published by the department, for the jurisdictions within its region and shall send notice of these dates to interested parties. For purposes of determining the existing and projected need for housing within a region pursuant to Sections 65584 to 65584.08, inclusive, the date of the next scheduled revision of the housing element shall be deemed to be the estimated adoption date of the regional transportation plan update described in the notice provided to the Department of Transportation plus 18 months.

LINE E: 65588(e)(2)

(2)(A) All local governments within a metropolitan planning organization in a region classified as nonattainment for one or more pollutants regulated by the federal Clean Air Act (42 U.S.C. Sec. 7506), except those within the regional jurisdiction of the San Diego Association of Governments, shall adopt the fifth revision of the housing element no later than 18 months after adoption of the first regional transportation plan to be adopted after September 30, 2010.

(2)(B)(i) All local governments within the regional jurisdiction of the San Diego Association of Governments shall adopt the fifth revision of the housing element no later than 18 months after adoption of the first regional transportation plan update to be adopted after September 30, 2010.

....

LINE F: 65584.03(a) and (b)

(a) At least 28 months prior to the scheduled housing element update required by Section 65588, at least two or more cities and a county, or counties, may form a subregional entity for the purpose of allocation of the subregion's existing and projected need for housing among its members in accordance with the allocation methodology established pursuant to Section 65584.04.....

(b) Upon formation of the subregional entity, the entity shall notify the council of governments of this formation. If the council of governments has not received notification from an eligible subregional entity at least 28 months prior to the scheduled housing element update required by Section 65588, the council of governments shall implement the provisions of Sections 65584 and 65584.04.

LINE G: 65584.01(c)(1)

(a) For the fourth and subsequent revision of the housing element pursuant to Section 65588, the department, in consultation with each council of governments, where applicable, shall determine the existing and projected need for housing for each region in the following manner:

...

(c)(1) At least 26 months prior to the scheduled revision pursuant to Section 65588 and prior to developing the existing and projected housing need for a region, the department shall meet and consult with the council of governments regarding the assumptions and methodology to be used by the department to determine the region's housing needs. The council of governments shall provide data assumptions from the council's projections, including, if available, the following data for the region:

LINE H: 65584.02(a)(2)

(a) For the fourth and subsequent revisions of the housing element pursuant to Section 65588, the existing and projected need for housing may be determined for each region by the department as follows, as an alternative to the process pursuant to Section 65584.01:

....

(2) At least six months prior to the department's determination of regional housing need pursuant to paragraph (1), a council of governments may request the use of population and household forecast assumptions used in the regional transportation plan.....

LINE I: 65584.04(a)

(a) At least two years prior to a scheduled revision required by Section 65588, each council of governments, or delegate subregion as applicable, shall develop a proposed methodology for distributing the existing and projected regional housing need to cities, counties, and cities and counties within the region or within the subregion, where applicable pursuant to this section..

LINE J: 65584.04(b)(1)

(b)(1) No more than six months prior to the development of a proposed methodology for distributing the existing and projected housing need, each council of governments shall survey each of its member jurisdictions to request, at a minimum, information regarding the factors listed in subdivision (d) that will allow the development of a methodology based upon the factors established in subdivision (d).

LINE K: 65584(b)

(b) The department, in consultation with each council of governments, shall determine each region's existing and projected housing need pursuant to Section 65584.01 at least two years prior to the scheduled revision required pursuant to Section 65588. The appropriate council of governments, or for cities and counties without a council of governments, the department, shall adopt a final regional housing need plan that allocates a share of the regional housing need to each city, county, or city and county at least one year prior to the scheduled revision for the region required by Section 65588. The allocation plan prepared by a council of governments shall be prepared pursuant to Sections 65584.04 and 65584.05 with the advice of the department.

AND 65584(c)

(c) Notwithstanding any other provision of law, the due dates for the determinations of the department or for the council of governments, respectively, regarding the regional housing need may be extended by the department by not more than 60 days if the extension will enable access to more recent critical population or housing data from a pending or recent release of the United States Census Bureau or the Department of Finance. If the due date for the determination of the department or the council of governments is extended for this reason, the department shall extend the corresponding housing element revision deadline pursuant to Section 65588 by not more than 60 days.

AND 65584.02(a)(1)

(a) For the fourth and subsequent revisions of the housing element pursuant to Section 65588, the existing and projected need for housing may be determined for each region by the department as follows, as an alternative to the process pursuant to Section 65584.01:

(1) In a region in which at least one subregion has accepted delegated authority pursuant to Section 65584.03, the region's housing need shall be determined at least 26 months prior to the housing element update deadline pursuant to Section 65588. In a region in which no subregion has accepted delegation pursuant to Section 65584.03, the region's housing need shall be determined at least 24 months prior to the housing element deadline.

LINE L: 65584.03(c)

(c) At least 25 months prior to the scheduled revision, the council of governments shall determine the share of regional housing need assigned to each delegate subregion. The share or shares allocated to the delegate subregion or subregions by a council of governments shall be in a proportion consistent with the distribution of households assumed for the comparable time period of the applicable regional transportation plan. Prior to allocating the regional housing needs to any delegate subregion or subregions, the council of governments shall hold at least one public hearing, and may consider requests for revision of the proposed allocation to a subregion....

LINE M: 65584.04(a)

(a) At least two years prior to a scheduled revision required by Section 65588, each council of governments, or delegate subregion as applicable, shall develop a proposed methodology for distributing the existing and projected regional housing need to cities, counties, and cities and counties within the region or within the subregion, where applicable pursuant to this section. The methodology shall be consistent with the objectives listed in subdivision (d) of Section 65584.

LINE N: 65584.04(h)

(h) Following the conclusion of the 60-day public comment period described in subdivision (c) on the proposed allocation methodology, and after making any revisions deemed appropriate by the council of governments, or delegate subregion, as applicable, as a result of comments received during the public comment period, each council of governments, or delegate subregion, as applicable, shall adopt a final regional, or subregional, housing need allocation methodology and provide notice of the adoption of the methodology to the jurisdictions within the region, or delegate subregion as applicable, and to the department.

LINE O: 65584.05(a)

(a) At least one and one-half years prior to the scheduled revision required by Section 65588, each council of governments and delegate subregion, as applicable, shall distribute a draft allocation of regional housing needs to each local government in the region or subregion, where applicable, based on the methodology adopted pursuant to Section 65584.04. It is the intent of the Legislature that the draft allocation should be distributed prior to the completion of the update of the applicable regional transportation plan.

LINE P: 65080(b)(2)(F)(iv)

(a) Each transportation planning agency designated under Section 29532 or 29532.1 shall prepare and adopt a regional transportation plan.....

.....

(b) The regional transportation plan shall be an internally consistent document and shall include all of the following:

.....

(2) A sustainable communities strategy prepared by each metropolitan planning organization as follows:

(F) Each metropolitan planning organization shall adopt a public participation plan, for development of the sustainable communities strategy and an alternative planning strategy, if any, that includes all of the following:

.....
(iv) Preparation and circulation of a draft sustainable communities strategy and an alternative planning strategy, if one is prepared, not less than 55 days before adoption of a final regional transportation plan.

LINE Q: 65584.05(b)

(b) Within 60 days following receipt of the draft allocation, a local government may request from the council of governments or the delegate subregion, as applicable, a revision of its share of the regional housing need in accordance with the factors described in paragraphs (1) to (9), inclusive, of subdivision (d) of Section 65584.04, including any information submitted by the local government to the council of governments pursuant to subdivision (b) of that section. The request for a revised share shall be based upon comparable data available for all affected jurisdictions and accepted planning methodology, and supported by adequate documentation.

LINE R: 65584.05(c)

(c) Within 60 days after the request submitted pursuant to subdivision (b), the council of governments or delegate subregion, as applicable, shall accept the proposed revision, modify its earlier determination, or indicate, based upon the information and methodology described in Section 65584.04, why the proposed revision is inconsistent with the regional housing need.

LINE S: 65584.05(d) & (e)

(d) If the council of governments or delegate subregion, as applicable, does not accept the proposed revised share or modify the revised share to the satisfaction of the requesting party, the local government may appeal its draft allocation based upon either or both of the following criteria:

.....
(e) The council of governments or delegate subregion, as applicable, shall conduct public hearings to hear all appeals within 60 days after the date established to file appeals. The date of the hearing shall be at least 30 days and not more than 35 days after the date of the notification. The final action on an appeal may require the council of governments or delegate subregion, as applicable, to adjust the allocation of a local government that is not the subject of an appeal.

LINE T: 65584.05 (e)

(e) The council of governments or delegate subregion, as applicable, shall conduct public hearings to hear all appeals within 60 days after the date established to file appeals. The local government shall be notified within 10 days by certified mail, return receipt requested, of at least one public hearing on its appeal. The date of the hearing shall be at least 30 days and not more than 35 days after the date of the notification. Before taking action on an appeal, the council of governments or delegate subregion, as applicable, shall consider all comments, recommendations, and available data based on accepted planning methodologies submitted by the appellant. The final action of the council of governments or delegate subregion, as applicable, on an appeal shall be in writing and shall include information and other evidence explaining how its action is consistent with this article. The final action on an appeal may require the council of governments or delegate subregion, as applicable, to adjust the allocation of a local government that is not the subject of an appeal.

LINE U: 65584.05 (f) & (h)

(f) The council of governments or delegate subregion, as applicable, shall issue a proposed final allocation within 45 days after the completion of the 60-day period for hearing appeals. The proposed final allocation plan shall include responses to all comments received on the proposed draft allocation and reasons for any significant revisions included in the final allocation.

.....

(h) Within 45 days after the issuance of the proposed final allocation plan by the council of governments and each delegate subregion, as applicable, the council of governments shall hold a public hearing to adopt a final allocation plan.....

LINE V: 65584(b) & 65584.05(h)

(b) The department, in consultation with each council of governments, shall determine each region's existing and projected housing need pursuant to Section 65584.01 at least two years prior to the scheduled revision required pursuant to Section 65588. The appropriate council of governments, or for cities and counties without a council of governments, the department, shall adopt a final regional housing need plan that allocates a share of the regional housing need to each city, county, or city and county at least one year prior to the scheduled revision for the region required by Section 65588. The allocation plan prepared by a council of governments shall be prepared pursuant to Sections 65584.04 and 65584.05 with the advice of the department.

(h) Within 45 days after the issuance of the proposed final allocation plan by the council of governments and each delegate subregion, as applicable, the council of governments shall hold a public hearing to adopt a final allocation plan. To the extent that the final allocation plan fully allocates the regional share of statewide housing need, as determined pursuant to Section 65584.01, the council of governments shall have final authority to determine the distribution of the region's existing and projected housing need as determined pursuant to Section 65584.01. Within 60 days after adoption by the council of governments, the department shall determine whether or not the final allocation plan is consistent with the existing and projected housing need for the region, as determined pursuant to Section 65584.01. The department may revise the determination of the council of governments if necessary to obtain this consistency.

65584.04 (i)

(1) It is the intent of the Legislature that housing planning be coordinated and integrated with the regional transportation plan. To achieve this goal, the allocation plan shall allocate housing units within the region consistent with the development pattern included in the sustainable communities strategy.

...

(3) The resolution approving the final housing need allocation plan shall demonstrate that the plan is consistent with the sustainable communities strategy in the regional transportation plan.

LINE W: 65584.05(h)

(h) Within 45 days after the issuance of the proposed final allocation plan by the council of governments and each delegate subregion, as applicable, the council of governments shall hold a public hearing to adopt a final allocation plan. To the extent that the final allocation plan fully allocates the regional share of statewide housing need, as determined pursuant to Section 65584.01, the council of governments shall have final authority to determine the distribution of the region's existing and projected housing need as determined pursuant to Section 65584.01. Within 60 days after adoption by the council of governments, the department shall determine whether or not the final allocation plan is consistent with the existing and projected housing need for the region, as determined pursuant to Section 65584.01. The department may revise the determination of the council of governments if necessary to obtain this consistency.

Other Relevant Provisions

Regarding population projections for the RHNA

65584.01. (a) For the fourth and subsequent revision of the housing element pursuant to Section 65588, the department, in consultation with each council of governments, where applicable, shall determine the existing and projected need for housing for each region in the following manner:

(b) **The department's determination shall be based upon population projections produced by the Department of Finance and regional population forecasts used in preparing regional transportation plans, in consultation with each council of governments.** If the total regional population forecast for the planning period, developed by the council of governments and used for the preparation of the regional transportation plan, is within a range of 3 percent of the total regional population forecast for the planning period over the same time period by the Department of Finance, then the population forecast developed by the council of governments shall be the basis from which the department determines the existing and projected need for housing in the region. If the difference between the total population growth projected by the council of governments and the total population growth projected for the region by the Department of Finance is greater than 3 percent, then the department and the council of governments shall meet to discuss variances in methodology used for population projections and seek agreement on a population projection for the region to be used as a basis for determining the existing and projected housing need for the region. If no agreement is reached, then the population projection for the region shall be the population projection for the region prepared by the Department of Finance as may be modified by the department as a result of discussions with the council of governments.

Regarding H.E. planning period and RHNA projection period:

65588(e)

(6) The new projection period shall begin on the date of December 31 or June 30 that most closely precedes the end of the previous projection period.

(f) For purposes of this article, the following terms have the following meanings:

(1) "Planning period" shall be the time period between the due date for one housing element and the due date for the next housing element.

(2) "Projection period" shall be the time period for which the regional housing need is calculated.

Regarding Potential Adjustments to Final RHNA Plan by COG

65584.05 (g)

(g) In the proposed final allocation plan, the council of governments or delegate subregion, as applicable, shall adjust allocations to local governments based upon the results of the revision request process and the appeals process specified in this section. If the adjustments total 7 percent or less of the regional housing need determined pursuant to Section 65584.01, or, as applicable, total 7 percent or less of the subregion's share of the regional housing need as determined pursuant to Section 65584.03, then the council of governments or delegate subregion, as applicable, shall distribute the adjustments proportionally to all local governments. If the adjustments total more than 7 percent of the regional housing need, then the council of governments or delegate subregion, as applicable, shall develop a methodology to distribute the amount greater than the 7 percent to local governments. In no event shall the total distribution of housing need equal less than the regional housing need, as determined pursuant to Section 65584.01, nor shall the subregional distribution of housing need equal less than its share of the regional housing need as determined pursuant to Section 65584.03. Two or more local governments may agree to an alternate distribution of appealed housing allocations between the affected local governments. If two or more local governments agree to an alternative distribution of appealed housing allocations that maintains the total housing need originally assigned to these communities, then the council of governments shall include the alternative distribution in the final allocation plan.

Regarding Subsequent RTP Due Dates (to define the end of the RHNA projection and housing element planning period for the fifth revision):

65588(e)(3)(A)

(3) Subsequent revisions of the housing element shall be due as follows:

(A) For local governments described in subparagraphs (A), (B), and (C) of paragraph (2), 18 months after adoption of every second regional transportation plan update, provided that the deadline for adoption is no more than eight years later than the deadline for adoption of the previous eight-year housing element.